

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- August 24, 1966

Appeal No. 8859 Protestant Episcopal Cathedral Foundation,
appellant.

On motion duly made, seconded and unanimously carried,
with Mr. Samuel Scrivener, Jr. not participating, the following
Order was entered at the meeting of the Board on September 9, 1966.

EFFECTIVE DATE OF ORDER -- September 22, 1966

ORDERED:

That the appeal to establish private school: a new building with additional school facility for National Cathedral School which will connect with existing building Whitby Gymnasium, and contain student center with refectory and lounge, and additional gymnasium space and storage facilities at the southwest corner of the intersection of 36th and Lowell Streets, NW., formerly known, prior to demolition of a building there, as 3112 - 36th Street, NW. The new building to be constructed primarily on former lot 803, square 1922, but a portion of building will be on former lot 806, square 1922. All of square 1922 now combined into one lot known as lot 17, square 1922, be denied without prejudice.

From the records and evidence submitted in this appeal, the Board finds the following facts:

(1) In Appeal No. 8000, the Board of Zoning Adjustment, on December 1, 1964, granted the Protestant Episcopal Cathedral Foundation permission to erect a new dining hall to accommodate 350 day students and 100 boarding students of the National Cathedral School for Girls. At the same time, permission was granted to erect a new library building with language laboratory, classrooms, tutoring rooms, an alumnae office, and an accounting office. The appeal concerned lots 803 and 806 in square 1922 described as property located at Wisconsin Avenue and Woodley Road, NW. In Appeal No. 8369, the Board, on February 7, 1966, after having held a public hearing on September 22, 1965, reinstated its Order of December 1, 1964. The Order in Appeal No. 8000 had previously expired on June 1, 1965.

(2) On July 19, 1966, Judge Edward M. Curran, U.S. District Judge for the District of Columbia issued a temporary restraining order against the Protestant Episcopal Cathedral Foundation and the Board of Zoning Adjustment at the behest of Guy Farmer and five other residents of the area, see Civil Action No. 1868-66, Farmer, et al, V. Protestant Episcopal Cathedral Foundation, et al.

The restraining order pertained solely to that portion of the Board's Order of February 7, 1966, pertaining to lot 803 in square 1922 formerly known as premises 3112 - 36th Street, NW. On the same date, the Board agreed in open court, through counsel, to rescind and vacate the above portion of its Order and further agreed to hear, upon reapplication, the Foundation's appeal for a special exception relating to the same lot. The hearing was to take place at the next regularly scheduled hearing date of the Board after notice had been given as required by the Zoning Regulations. The Foundation, in open court, agreed to suspend all construction activity at lot 803 in square 1922, formerly known as premises 3112 - 36th Street, NW., until such time as the Board issued an Order relating to the subject property.

Based upon the agreements made in open court, Judge Curran, on the same date, dissolved the temporary restraining order and released the plaintiffs from the requirement of posting bond.

(3) On August 24, 1966, the date of the public hearing on B.Z.A. #8859, the Chairman of the Board, Samuel Scrivener, Jr., disqualified himself from participating in the hearing or decision of this appeal. The Chairman left the hearing room and the hearing continued with a four man Board, Arthur P. Davis presiding as Chairman.

(4) The property involved in this appeal is all of lot 803 and part of lot 806 in square 1922, now known as part of lot 17 in square 1922 and formerly known, in part, as premises 3112 - 36th Street, NW., having become one lot by plat of survey recorded on May 26, 1966, in Book No. 150, page 56.

(5) All of lot 17 has a total area of 78,097 square feet with split zoning; at the Wisconsin Avenue end, 25,453 square feet are zoned R-5-C and at the 36th Street end, 52,644 square feet are zoned R-1-B.

(6) On the R-5-C portion of lot 17, buildings may under zoning have a lot occupancy of 75 percent and an FAR of 3.5. Appellants previously approved plans show a lot occupancy of 62 percent and an FAR of 1.45.

(7) On the R-1-B portion of lot 17, buildings may under zoning have a lot occupancy of 40 percent and no FAR limit is prescribed. Appellants propose to occupy 0.46 percent of the R-1-B portion of the site with structures having an FAR of 0.96. In granting a conditional use the Board may specify reasonable limits to protect the neighborhood from over-crowding and can, as a guide in this case, use the standards set forth in paragraph 3101.46(b) or Section 7514.

(8) The school proposes to build an addition to the existing facilities at the corner of Lowell and 36th Streets which will contain a student center, refectory, lounge, additional gymnasium space and some storage.

(9) Appellants' Exhibit #66 shows 109 parking spaces within 800 feet of the main entrance of the school, whereas, only 62 spaces are required by the Zoning Regulations to accommodate students and faculty. The opponents entered Exhibit #92 to support their contentions that students are not permitted to park on the Cathedral Close where the above mentioned parking spaces are located.

(10) Appellant contends, after considerable study, that the size of the school should be retained at between 400 and 450 students, with 100 resident or dormitory students. This does not represent any significant increase in student enrollment and the plans now before the Board are designed to accommodate these enrollments.

(11) In order to demonstrate their concern for the neighbors, appellants pointed out that the doors shown on the refectory wing plans were for emergency use only and that the students would not normally enter or leave directly onto 36th or Lowell Streets.

(12) Appellants propose to have the main vehicular service entrance from 36th Street to a service court largely enclosed by existing and proposed buildings. This entrance is now used for this purpose but without the proposed food deliveries to the lunch room addition.

(13) Some citizens expressed a willingness to voice no objection to the project if the location of the refectory and the previously approved library could be switched. However, the appellants contend that this would be impractical and functionally inefficient because of the arrangement of existing facilities.

(14) The appeal was opposed by residents of the neighborhood at the hearing and by numerous letters and written statements. This opposition centered around the contentions that the 36th Street end of the site is being over built, that the lunchroom addition, considered the most objectionable feature of the total development, is being placed in close proximity to homes, that the school in the past has not been a good neighbor, and that expansion would only aggravate existing problems.

(15) Many residents of the area submitted or made statements endorsing the school and its building proposals.

OPINION:

In accordance with Judge Curran's order of July 19, 1966, the Board herewith sets aside that portion of its Order of February 7, 1966, pertaining to the refectory addition located at the intersection of 36th and Lowell Streets, NW.

The establishment or expansion of a private school is treated as a conditional use in the Zoning Regulations. It is the Board's duty therefore to analyze the impact such an institution and its detailed plan is likely to have on the neighborhood, and even when we are inclined to accept the establishment of a school in principle, we should be critical of its details and should not approve such projects until we are satisfied that every effort is being made to reduce any possible adverse effect upon the neighborhood.

Before the Board can approve this appeal it must be fully satisfied that the following provisions of Section 3101.42 will be met:

- "(a) It is so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions;
- (b) Ample parking space, but not less than that required in Article 72 of these regulations, is provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

(As amended June 15, 1960)."

The appellants do not contemplate any increase in enrollment and, therefore, in the opinion of the Board, there will not be a discernible increase in traffic or noise that is likely to become objectionable or have an adverse effect upon the neighborhood. On the otherhand, it is apparent to the Board that the lot occupancy and FAR limits normally applicable to the R-1-B District are being exceeded and no evidence was presented at the hearing to justify this aspect of the proposed development. The appellants must submit evidence to justify the proposed development either within the applicable provisions of the Zoning Regulations or to justify a variance from said regulations. Therefore, the Board has no choice but to deny the appeal as filed.

The Board is also not satisfied that the appellants are in a position to guarantee adequate parking. We note that all the proposed parking is within the Cathedral Close and in close proximity to the Cathedral which is a major tourist attraction,

and we question whether these spaces can be reserved for school use. Without an assurance from the appellants that there will be adequate parking, the project could become objectionable and have an adverse impact on the neighborhood.

Therefore, the appeal of the Protestant Episcopal Cathedral Foundation to construct a refectory wing at 36th and Lowell Streets is denied without prejudice.